

REMARKSAmendments to the Claims

5 Claims 11 and 13 have been canceled and new method
claim 14 has been added to more accurately claim the
invention. Applicant submits that the new claim is fully
supported by the specification as originally filed and that
no new matter has been added.

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Summary of the Office Action of March 11, 2004

 The present application has been rejected for
obviousness in light of Pelz, Lucetti and Condon. The
15 Examiner states that Pelz clearly shows a golfer can provide
proper putter alignment by positioning himself so that the
sighting line is aligned with the index marks 42 and 28 of
Pelz. The Examiner states that although Pelz fails to show
an index mark being located in the center top of the putter
20 head, both Condon and Lucetti teach that it is conventional
to provide such marks to align the golf ball with the
target. Therefore, the Examiner concludes that it would
have been obvious to one having ordinary skill to modify the
index mark of Pelz in light of Condon and Lucetti to make
25 the present invention.

Discussion of Pelz

 Nowhere does Pelz discuss alignment of the golfer's eye
30 over the ball. Pelz does not discuss a "sighting line."
Pelz only discusses alignment of the golfer's body to the
club (see Pelz Abstract; col. 5, lines 9-34; col. 3, line 52
to col. 4, line 10; and claim 1). In fact, Pelz states that
the purpose of his invention is to enable the golfer to
35 repeatedly achieve correct relative alignment of club and
body.

In the correct stance for swinging a wood or an iron the golfer's eyes are not aligned directly over the golf ball. In contrast, when putting a golfer's eyes should be directly over the ball. Therefore, by stating that his invention is applicable to woods and irons, (see Pelz col. 2, lines 1-6; col. 2, lines 19-21; and col. 4, line 10 to col. 5 line 2) and by failing to even mention alignment of the eyes over the ball, Pelz is not only failing to point to the present invention, he is clearly teaching away from it.

In addition, by specifically stating that his invention is equally applicable to irons, woods and putters, and by using a plurality of marks 42 on the shaft, Pelz clearly suggests that alignment of the golfer's eye over the ball is either undesirable or irrelevant. The only distinction made by Pelz between the correct stance for putting and for using irons and woods is at col. 4 lines 58-64, where he says that the "stance is quite different." Again, no mention is made of alignment of the eyes over the ball. It is not only possible, but likely, that golfers using the club of Pelz will "correctly" align their bodies relative to the club without placing their eyes above the ball.

Pelz specifically teaches the use of a plurality of markings 42 on the club shaft (see Pelz col. 3 lines 43-66 and claim 1) so that golfers of different statures can correctly align their bodies with the club. However, if golfers are to align their eyes directly over the ball then only one mark is necessary on the shaft. Whether a golfer is 6' tall or 5' tall, his or her eyes must be on a line directly above the ball (as is shown in Figure 3 of the present application as originally filed). Further marks on the shaft of the putter will result in alignment of the golfer's eyes at a position other than directly above the ball.

In fact, as Applicant has previously stated, when Applicant was developing the present invention it originally seemed intuitively that multiple markings were necessary to allow golfers of different heights to achieve the correct positioning. However, after testing prototypes of the club of the present invention it became apparent that only one set of marks was required. Regardless of the golfer's stature, the golfer's eyes had to lie on a line directly above the ball. The marking on the club, the marking on the shaft and the golfer's eye always had to lie on the same line.

Finally, Applicant submits that the present invention is applicable only to putters. The present invention is further distinguished from Pelz in that application of the present invention to woods or irons will result in the incorrect stance.

Discussion of Pelz, Condon and Lucetti

It may have been obvious to a person of ordinary skill in the art, as the Examiner claims, to combine the teachings of Condon and Lucetti with those of Pelz. However, such a combination would not lead the present invention. Condon and Lucetti teach the use of markings on the club head to align the club with the ball. No mention is made anywhere in Condon or Lucetti that alignment of the golfer's eyes over the ball is desirable. Therefore, combination of the teachings of Pelz, Condon and Lucetti would result in: 1) a club having markings on the club head to align the center of the club face or the center of gravity of the club head with the ball; and 2) a club having a plurality of markings on the shaft which, when lined up with the markings on the head, result in a desired alignment of the club relative to the golfer's body. Pelz, Condon or Lucetti do not suggest

that alignment of the golfer's eyes relative to the ball is desirable, nor do they suggest means for achieving such alignment.

5 Applicant submits that in order to support an objection based on obviousness there must be some suggestion in the cited references that combination of the references would lead to the desired result. Applicant submits that there is no suggestion in Pelz, Condon or Lucetti that any advantage
10 would be gained by combining their teachings. In fact, as Applicant has argued above, combination of Pelz, Condon and Lucetti merely results in a club having markings for aligning the center of gravity of the club head with the ball and for aligning the club relative to the golfer's
15 body. Applicant submits that this was never done because no advantage is gained thereby.

As a final note, Applicant would like to inform the Examiner that Applicant's corresponding UK patent
20 application has been allowed in substantially similar form as the present application.

Favourable re-consideration of this application is respectfully solicited.
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Respectfully submitted,

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